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11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 JEREMY FARDIG, JEREMY
14 WRIGHT, and CHRISTIAN
15 BOLIN, individually, and on behalf
16 of all others similarly situated,

17 Plaintiff,

18 v.

19 HOBBY LOBBY STORES, INC., an
20 Oklahoma Corporation; and DOES 1
21 through 100 inclusive,

22 Defendants.

SA CV14-561-JVS AKT
Case No. _____

NOTICE OF REMOVAL AND
REMOVAL OF ACTION TO
FEDERAL COURT

1 **TO THE CLERK OF THE FEDERAL DISTRICT COURT FOR THE**
2 **CENTRAL DISTRICT OF CALIFORNIA:**

3 PLEASE TAKE NOTICE that Defendant HOBBY LOBBY STORES, INC.
4 (“Hobby Lobby”) hereby removes this action from the Superior Court of the State of
5 California, County of Orange to the United States District Court for the Central
6 District of California This removal is based on diversity of citizenship pursuant to 28
7 U.S.C. §§ 1331, 1332(d), 1367, 1441 and 1453.

8 **BACKGROUND**

9 1. On February 18, 2014, Plaintiffs Jeremy Fardig, Jeremy Wright, and
10 Christian Bolin (“Plaintiffs”) filed a Complaint against Hobby Lobby, entitled
11 *“Jeremy Fardig, Jeremy Wright, and Christian Bolin, individually, and on behalf of*
12 *all others similarly situated v. Hobby Lobby Stores, Inc., and Does 1 through 100,*
13 *inclusive.”* in the Superior Court of California, for the County of Orange, Case No.
14 30-2014-00705589-CU-OE-CJC (hereinafter, the “Complaint”). True and correct
15 copies of Plaintiffs’ Complaint and Summons are attached hereto as Exhibit A to the
16 Declaration of Saba S. Shatara. The allegations of the Complaint are incorporated
17 by reference in this Notice of Removal without admitting them.

18 2. Plaintiffs filed the Complaint as a putative class action pursuant to
19 California Code of Civil Procedure Section 382. Complaint ¶ 26. Plaintiffs, former
20 employees of Hobby Lobby, seek to represent the following classes of Hobby
21 Lobby’s current and former California employees (collectively, the “Putative
22 Class”):

23 a. Class One: All persons who are and/or were employed as non-exempt
24 managerial employees by Hobby Lobby Stores, Inc., in one or more
25 California Hobby Lobby retail stores between February 6, 2010 and
26 the present.

27 b. Class Two: All persons who are and/or were employed as non-exempt
28 retail employees by Hobby Lobby Stores, Inc., in one or more

1 California Hobby Lobby retail stores between February 6, 2010 and
2 the present.

3 Complaint, ¶ 24.

4 3. The Complaint alleges five causes of action: (1) failure to provide
5 meal and rest periods (Cal. Lab. Code §§ 226.7 and 512); (2) unlawful failure to pay
6 wages (Cal. Lab. Code §§ 200-204, 510, 1194, and 1198); (3) failure to provide
7 accurate itemized wage statements (Cal. Lab. Code §§ 226 and 1174); (4) unfair
8 business practices under the Unfair Competition Law (Cal. Bus. and Prof. Code
9 §§17200 *et seq.*); and (5) violations of the Private Attorneys General Act (“PAGA”)
10 (Cal. Lab. Code. §§ 2699 *et seq.*).

11 4. This lawsuit is a civil action within the meaning of Acts of Congress
12 relating to removal of class actions. *See* 28 U.S.C. § 1453. The Complaint, framed
13 as a putative class action seeking recovery for alleged wage and hour violations
14 under California law, is a class action as defined by 28 U.S.C. §§ 1332(d)(1)(B) and
15 1453.¹

16 5. No other proceedings have occurred in this action.

17 **TIMELINESS OF REMOVAL**

18 6. Plaintiffs served a copy of their Summons and Complaint on Hobby
19 Lobby’s registered agent for service of process on March 11, 2014.² This Notice of
20 Removal is timely as it is filed within thirty days of service of the Complaint. 28
21 U.S.C. § 1446(b).

22 **VENUE**

23 7. The Central District of California, Southern Division embraces the
24 County of Orange, where the action was pending prior to the filing of this Notice of
25

26 ¹ Defendant neither concedes nor waives its right to contest Plaintiffs’ allegation that the
27 lawsuit may properly proceed as a class action.

28 ² *See* Declaration of Saba S. Shatara (“Shatara Decl.”), ¶ 2.

1 Removal. Accordingly, venue is proper in the U.S. District Court for the Central
 2 District of California, Southern Division. 28 U.S.C. § 1441(a); C.D. Cal. General
 3 Order 349.

4 **JURISDICTION PURSUANT TO THE CLASS ACTION FAIRNESS ACT**

5 8. Hobby Lobby removes this action pursuant to 28 U.S.C. § 1332(d), the
 6 Class Action Fairness Act of 2005 (“CAFA”). CAFA provides the Federal District
 7 Courts with original jurisdiction over civil class action lawsuits filed under federal or
 8 state law in which any member of a class of plaintiffs is a citizen of a state different
 9 from any defendant, and where the matter in controversy exceeds \$5,000,000,
 10 exclusive of interest and costs. 28 U.S.C. § 1332(d)(2). The exceptions set forth in
 11 28 U.S.C. § 1332(d)(3)-(5) are not applicable here.

12 9. This action was initially brought pursuant to California Code of Civil
 13 Procedure § 382 on behalf of a Putative Class, the size of which is unknown to
 14 Plaintiff. Complaint ¶ 26. However, Plaintiffs claim that the number of individuals
 15 in the Putative Class is, “at least, in the hundreds of individuals” and, in fact, is so
 16 numerous that the individual joinder of all members is “impracticable, if not
 17 impossible.” *Id.*

18 10. This Court has original jurisdiction over this case under 28 U.S.C. §
 19 1332(d)(2) because this case is filed as a civil class action, the amount in controversy
 20 exceeds \$5,000,000, exclusive of interest and costs, and at least one member (if not
 21 all) of the putative class of plaintiffs is a citizen of a state different from Hobby
 22 Lobby.

23 **DIVERSITY OF CITIZENSHIP EXISTS AMONG THE PARTIES**

24 11. Pursuant to 28 U.S.C. § 1453(b), “[a] class action may be removed to a
 25 district court of the United States in accordance with section 1446 (except that the
 26 one-year limitation under section 1446 (b) shall not apply), without regard to
 27 whether any defendant is a citizen of the State in which the action is brought, except
 28 that such action may be removed by any defendant without the consent of all

defendants.” CAFA’s diversity requirement is satisfied when any member of a class of citizens is a citizen of a State different from any defendant. 28 U.S.C. § 1332 (d)(2); *United Steel, Paper & Forestry, Rubber, Mfg., Energy, Allied Indus. & Serv. Workers Int’l Union, AFL-CIO, CLC v. Shell Oil Co.*, 602 F.3d 1087, 1090-91 (9th Cir. 2010) (CAFA provides original diversity jurisdiction for class actions meeting the minimal diversity requirements of 28 U.S.C. § 1332 (d)(2)).

12. Hobby Lobby is informed and believes that plaintiff Jeremy Fardig has been a resident of Riverside County, California at all times relevant to this matter. Based on payroll and human resources records maintained by Hobby Lobby, Mr. Fardig’s last known address is 861 Ranch Vista Road, Corona, CA 92879.³ Moreover, based on publicly available information and records, Mr. Fardig continues to reside at this address and has been a resident of California since at least November 1995. *See* Ex. 1 (LexisNexis Public Records Report) to Request for Judicial Notice in support of Removal.

13. Hobby Lobby is informed and believes that plaintiff Jeremy Wright has been a resident of San Bernardino County, California at all times relevant to this matter. Based on payroll and human resources records maintained by Hobby Lobby, Mr. Wright’s last known address is 1216 North Vallejo Way, Upland, CA 91786.⁴ Moreover, based on publicly available information and records, Mr. Wright continues to reside at this address and has been a resident of California since at least April 1994. *See* Ex. 2 (LexisNexis Public Records Report) to Request for Judicial Notice in support of Removal.

14. Hobby Lobby is informed and believes that plaintiff Christian Bolin has been a resident of Riverside County, California at all times relevant to this matter. Based on payroll and human resources records maintained by Hobby Lobby,

³ Declaration of Teresa Wiley (“Wiley Decl.”), ¶ 4.

⁴ *Id.* ¶ 5.

1 Mr. Bolin's last known address is 7187 Idyllwild Lane, Riverside, CA 92503.⁵
 2 Moreover, based on publicly available information and records, Mr. Bolin continues
 3 to reside at this address and has been a resident of California since at least August
 4 1994. *See* Ex. 3 (LexisNexis Public Records Report) to Request for Judicial Notice
 5 in support of Removal.

6 15. For diversity purposes, a person is a "citizen" of the state in which he
 7 or she is domiciled. *See Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090
 8 (9th Cir. 1983). Therefore, all three Plaintiffs are citizens of California.

9 16. Plaintiffs allege the Putative Classes consists of all non-exempt
 10 managerial and retail employees employed at one or more California Hobby Lobby
 11 retail stores during the relevant time periods in California. Complaint ¶ 24.

12 17. A corporation is "deemed a citizen of any State by which it has been
 13 incorporated and of the State where it has its principal place of business." 28 U.S.C.
 14 § 1332(c). Defendant Hobby Lobby Stores, Inc. is a corporation organized and
 15 existing under the laws of the State of Oklahoma.⁶ Hobby Lobby's principal offices
 16 are located at 7707 SW 44th Street, Oklahoma City, Oklahoma.⁷ Hobby Lobby's
 17 officers direct, control, and coordinate company business from these headquarters.⁸
 18 Thus, Hobby Lobby is a citizen of the State of Oklahoma for purposes of diversity
 19 jurisdiction because its "principal place of business" – its "nerve center" – is located
 20 in Oklahoma City. *See Hertz Corp. v. Friend*, 599 U.S. 77, 130 S. Ct. 1181, 1186
 21 (2010).

22 18. Here, diversity of citizenship is met because the Plaintiffs and at least
 23 some of the Putative Class members are citizens of California while the Hobby

24 ⁵ Wiley Decl., ¶ 6.

25 ⁶ *Id.* ¶ 2.

26 ⁷ *Id.*

27 ⁸ *See id.*

1 Lobby is a citizen of Oklahoma. See 28 U.S.C. § 1332(d)(2)(A), *United Steel*,
 2 *supra*, 602 F.3d at 1090-91.

3 THE AMOUNT IN CONTROVERSY EXCEEDS \$5 MILLION⁹

4 19. The Complaint is silent as to the total amount of monetary relief
 5 sought. The failure of Plaintiff to specify the total amount of monetary relief sought,
 6 however, does not deprive this Court of jurisdiction nor bar removal. See *Levine v.*
 7 *BIC USA, Inc.*, No. 07cv1096-LAB (RBB), 2007 U.S. Dist. LEXIS 60952, at *7-8
 8 (C.D. Cal. Aug. 19, 2007).

9 A Preponderance of the Evidence Standard Applies

10 20. A preponderance-of-the-evidence standard applies when assessing
 11 whether the amount in controversy exceeds \$5 million. *Rodriguez v. AT&T Mobility*
 12 *Services LLC*, No. 13-56149, 2013 WL 4516757, at *7 (9th Cir. Aug. 27, 2013); see
 13 also, *Rea v. Michaels Stores Inc.*, No. 14-55008, 2014 WL 607322, at *3-4 (9th Cir.
 14 Feb. 18, 2014) (reversing order remanding action and reaffirming an earlier Ninth
 15 Circuit holding that a preponderance of the evidence standard—and not the more
 16 burdensome legal certainty standard—applies to CAFA removals). The
 17 preponderance-of-the-evidence standard means only that a defendant must provide
 18 evidence establishing that it is “more likely than not” that the amount in controversy
 19 is met. *Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996).
 20 This standard is not “daunting,” and courts recognize that a removing defendant is
 21 not obligated to “research, state, and prove the plaintiff’s claims for damages.” *Korn*
 22 *v. Polo Ralph Lauren Corp.*, 536 F. Supp. 2d 1199 (E.D. Cal. 2008) (citing *McCraw*
 23 *v. Lyons*, 863 F. Supp. 430, 434 (W.D. Ky 1994)). In measuring the amount in
 24

25 ⁹ This Notice of Removal discusses the nature and amount of damages placed at issue by
 26 Plaintiffs’ Complaint. Hobby Lobby’s reference to specific damage amounts and related analysis
 27 are provided solely for the purpose of establishing that the amount in controversy is more likely
 28 than not in excess of the jurisdictional minimum. Nothing contained herein shall constitute an
 admission of liability or a suggestion that Plaintiffs or any Putative Class member could or will
 recover damages from Hobby Lobby, or that the Putative Class is appropriate for certification.

1 controversy, the ultimate inquiry is what amount is put “in controversy” by the
2 plaintiff’s complaint, not what a defendant will actually owe. *Id.*

3 *Under Any Burden of Proof, this Notice of Removal and Removal*
4 *Establishes that the Amount in Controversy Exceeds \$5 Million*

5 21. Without admitting any allegations in the Complaint, and without
6 conceding that Plaintiff’s definition of the putative class is proper or that class
7 certification is appropriate, Hobby Lobby states that Plaintiffs have alleged claims
8 which place an amount in excess of \$5 million in controversy. The assertions of
9 Hobby Lobby herein are limited to its preliminary understanding of Plaintiffs’
10 claims and data currently available to Hobby Lobby.

11 22. According to Plaintiffs, the size of the putative class is unknown but is
12 so numerous that the individual joinder of all members is “impractical, if not
13 impossible.” Complaint ¶ 26. As set forth above, Plaintiffs propose several
14 classes/subclasses. The first includes “[a]ll persons who are and/or were employed
15 as non-exempt managerial employees by Hobby Lobby Stores, Inc., in one or more
16 California Hobby Lobby retail stores between February 6, 2010 and the present.”
17 Complaint ¶ 24. Based on its electronic employee records, Hobby Lobby asserts that
18 this putative class would include 65 individuals.¹⁰ The second putative subclass
19 consists of “[a]ll persons who are and/or were employed as non-exempt retail
20 employee by Hobby Lobby Stores, Inc., in one or more California Hobby Lobby
21 retail stores between February 6, 2010 and the present.”¹¹ Complaint ¶ 24. Based
22 on its electronic employee records, Hobby Lobby asserts that this putative class
23 would include 2,399 individuals.¹²

24 ¹⁰ Declaration of Allana Stephens (“Stephens Decl.”), ¶ 4.

25 ¹¹ Defendant notes that the Plaintiffs’ proposed class includes past, current, and future
26 employees. As such, both the size of the putative class and the amount in controversy will
27 continue to expand as the case is litigated. As a result, the amount in controversy is actually
28 greater than the amount set forth in this Notice of Removal because there will be more individuals
in the putative class than accounted for in the calculations herein.

¹² Stephens Decl., ¶ 4.

23. Plaintiffs allege that Hobby Lobby failed to provide Plaintiffs and the putative class members meal and rest periods; failed to pay minimum and overtime wages; failed to provide accurate itemized wage statements; engaged in unfair business practices in violation of California Business and Professions Code §§ 17200-17208; and engaged in violations of California Labor Code §§ 2669, *et seq.* Complaint, *passim*.

24. In determining whether the jurisdictional amount in controversy has been satisfied, courts may consider the maximum statutory penalty available. *Chabner v. United of Omaha Life Ins. Co.*, 225 F.3d 1042, 1046 n. 3 (9th Cir. 2000). Plaintiffs specifically request penalties permitted by Labor Code §§ 203, 226, and 1194. In measuring the amount in controversy, the ultimate inquiry is what amount is put “in controversy” by the plaintiff’s complaint, not what a defendant will actually owe. *Id.*

Minimum Wage Claim

25. Plaintiffs’ claim for purportedly unpaid straight-time (i.e., minimum wages) places \$497,890.32 in controversy. Hobby Lobby’s calculation of straight-time wages is based on an estimated one hour per employee per pay period,¹³ at an estimated hourly wage of \$10.08 for non-managerial class members and \$18.95 for managerial putative class members,¹⁴ throughout the statutory period. Hobby Lobby further based its calculation as to this claim on an estimate of its workforce at any given time during the three-year period.¹⁵ Based on these figures, the amount placed

¹³ Stephens Decl., ¶ 4 (providing that Hobby Lobby had bi-weekly pay periods at all relevant times, i.e., 26 pay periods per year).

¹⁴ See ¶ 27 *infra* for an explanation as to the calculation of the hourly rates used in this calculation.

¹⁵ Hobby Lobby based its calculation on the number of class members employed by Hobby Lobby on February 18th of each year since 2011. There were 72 non-managerial class members and one managerial class member on February 18, 2011; 519 non-managerial class members and 12 managerial class members in 2012; 1013 non-managerial class members and 19 managerial class members in 2013; and 1532 non-managerial class members and 39 managerial class members in 2014.

in controversy for each year (or portion thereof) by Plaintiffs' minimum wage claim is as follows:

Period	Managerial Employees	Non-Managerial Employees	Amount in Controversy
2/18/2011 – 12/31/2011	1 x \$18.95 x 22 pay periods x 1 hour = \$416.90	72 x \$10.08 x 22 pay periods x 1 hour = \$15,966.72	\$16,383.62
2012	12 x \$18.95 x 26 pay periods x 1 hour = \$5,912.40	519 x \$10.08 x 26 pay periods x 1 hour = \$136,019.52	\$141,931.92
2013	19 x \$18.95 x 26 pay periods x 1 hour = 9,361.30	1013 x \$10.08 x 26 pay periods x 1 hour = \$265,487.04	\$274,848.34
2014	39 x \$18.95 x 4 pay periods x 1 hour = \$2,956.2	1532 x \$10.08 x 4 pay periods x 1 hour = \$61,770.24	\$64,726.44
Total Amount in Controversy	--	--	\$497,890.32

26. This estimate—and particularly Hobby Lobby's application of one hour of additional wages—is reasonable. First, although the highest hourly rate paid to managerial class members during the applicable three year period was \$23.86, Hobby Lobby's calculation uses the more conservative minimum hourly rate of

1 \$18.95.¹⁶ Similarly, although the highest hourly rate paid to non-managerial putative
 2 class members was \$20.90, Hobby Lobby's calculation uses the more conservative
 3 average hourly rate of \$10.08¹⁷ during the three year statute of limitations. Second,
 4 due to Hobby Lobby's growth in California during the relevant years, a sample of
 5 employees "at any given time" taken on February 18 will be more conservative than
 6 a sample taken later in the year. Third, in the Complaint Plaintiffs state that Hobby
 7 Lobby disadvantaged its workers "by electing not to sufficiently offer meal and rest
 8 periods to its California non-exempt retail employees, by not providing duty free and
 9 uninterrupted meal and rest periods to its California non-exempt managerial
 10 employees, [and] by not providing regular and/or overtime pay (as a result thereof)
 11 when due..." Complaint ¶ 5. Plaintiffs go on to say that Hobby Lobby "knowingly
 12 failed to properly compensate Plaintiffs and the Plaintiff Classes for all wages
 13 earned and due." *Id.* ¶ 27. Additionally, Plaintiffs allege that Hobby Lobby
 14 "refused to compensate employees for time spent undergoing mandatory security
 15 checks after employees clocked out at the end of the shift or at the beginning of a
 16 meal or rest break. To date, employees have *never* been compensated for time spent
 17 in these security checks." *Id.* ¶ 47 (emphasis added). Plaintiffs also state that Hobby
 18 Lobby "refused to compensate employees for missed breaks when security checks
 19 and/or job requirements caused the employees to receive less than 30 uninterrupted
 20 and duty-free minutes for meal breaks or 10 uninterrupted and duty-free minutes for
 21 rest breaks. *Id.* ¶ 48. Thus, Hobby Lobby's estimate of one hour per pay period is,
 22 if anything, too conservative. *See Muniz v. Pilot Travel Ctrs.*, No. 07-0325, 2007
 23 WL 1302504, at *2 (E.D. Cal. May 1, 2007) (finding that defendant need not "prove
 24 the plaintiff's claims" and assuming 100% violation rate when calculating amount in

25 _____
 26 ¹⁶ Stephens Decl., ¶ 5 providing that the highest hourly rate for managerial class members
 during the three year period was \$23.86 and the minimum hourly rate was \$18.95).

27 ¹⁷ *Id.* (providing that the highest hourly rate for retail class members during the three year
 28 period was \$20.90 and the average hourly rate was \$10.08).

controversy); *Helm v. Alderwoods Grp., Inc.*, No. 08-1184, 2008 WL 2002511, at *5 (N.D. Cal. May 7, 2008) (“[D]efendants cannot be expected to try the case themselves for purposes of establishing jurisdiction, and then admit ... that a certain number of ... violations did indeed occur.”); *Bryan v. Wal-Mart Stores, Inc.*, No. 08-5221, 2009 U.S. Dist. LEXIS 18555, at *10 (N.D. Cal. Feb. 23, 2009) (same); *Heejin Lim v. Helio, LLC*, No. 11-9183, 2012 U.S. Dist. LEXIS 12871, at *9 (C.D. Cal. Feb. 2, 2012) (“Defendants effectively would be required to concede liability were the Court to require a stronger showing....”).

Overtime Claim

27. Plaintiffs’ claims for allegedly unpaid overtime wages place at least \$746,840.40 in controversy. This figure is based on an estimated one hour of overtime per pay period at an estimated overtime rate of \$15.12 for non-managerial class members and \$28.43 for managerial class members (150% of the regular hourly rates used above). Hobby Lobby further based its overtime calculation on the same estimate of its workforce described in the previous section. For the reasons explained in paragraph 27, the following estimate is reasonable:

Period	Managerial Employees	Non-Managerial Employees	Amount in Controversy
2/18/2011 – 12/31/2011	1 x \$28.43 x 22 pay periods x 1 hour = \$625.46	72 x \$15.12 x 22 pay periods x 1 hour = \$23,950.08	\$24,575.54
2012	12 x \$28.43 x 26 pay periods x 1 hour = \$8,870.16	519 x \$15.12 x 26 pay periods x 1 hour =	\$212,899.44

Period	Managerial Employees	Non-Managerial Employees	Amount in Controversy
		\$204,029.28	
2013	19 x \$28.43 x 26 pay periods x 1 hour = \$14,044.42	1013 x \$15.12 x 26 pay periods x 1 hour = \$398,230.56	\$412,274.98
2014	39 x \$28.43 x 4 pay periods x 1 hour = \$4,435.08	1532 x \$15.12 x 4 pay periods x 1 hour = \$92,655.36	\$97,090.44
Total Amount in Controversy	--	--	\$746,840.40

Meal and Rest Break Claim

28. In Plaintiffs' first cause of action, Plaintiffs demand meal and rest period penalties.¹⁸ Complaint ¶ 43. Hobby Lobby estimates that unpaid meal period premiums place at least \$416,780.26 in controversy. Hobby Lobby bases this figure on an hourly wage of \$10.08 for non-managerial class members and \$18.95 for managerial class members. In calculating potential meal period premium wages at-issue, Hobby Lobby relied solely on the estimated number of putative class members at any given time during the 2012 (519 non-managerial members and 12 managerial members) and 2013 (1013 non-managerial members and 19 managerial member), and assumed one missed meal period per pay period.¹⁹

¹⁸ Under Labor Code § 226.7(b), an employer who fails to provide an employee a meal period in accordance with applicable provisions must pay the employee one hour of pay at the employee's regular rate of compensation for each workday that the meal period is not provided.

¹⁹ [(519 x \$10.08 x 26 pay periods x 1 violation)+(12 x \$18.95 x 26 pay periods x 1

29. Plaintiffs seek additional premium wages for each workday in which a rest period was not timely provided. Complaint ¶¶ 38-39, 43. Using the same methodology utilized to calculate the amount of meal period premiums at-issue, Hobby Lobby determined that unpaid rest period premiums total at least \$416,780.26.²⁰

30. The above methodology is both reasonable and proper (if not overly conservative): In *Jasso v. Money Mart Express, Inc.*, 2012 WL 699465, at *3, *5 n. 4 (N.D. Cal. Mar. 1, 2012), the court deemed reasonable the defendant's meal period calculation which utilized a figure of one missed meal period *per week*. Here, Hobby Lobby assumes only one missed meal period per pay period. Moreover, Plaintiffs' own allegations suggest that meal and rest periods were missed *every day* because putative class members had to undergo mandatory security checks. See Complaint, ¶ 40 (“[M]andatory security checks and customer service policies infringed on Plaintiffs’ and putative Class Members’ meal and rest breaks.”) (emphasis added). Significantly, Plaintiffs state that “[a]s a result of the time spent undergoing security checks and the requirements of [Hobby Lobby’s] customer services policies, employees were denied the full period for meal and/or rest breaks, in violation of applicable law.” *Id.*

Waiting Time Penalties Claim

31. Under the Labor Code, employers must timely pay employees who are discharged or quit within specified time limits, otherwise, the wages of the employees shall continue as a penalty from the due date until paid, with a maximum penalty period of 30 days. Cal. Lab. Code §§ 201, 203.

violation)] + [(1013 x \$10.08 x 26 pay periods x 1 violation)+(19 x \$18.95 x 26 pay periods x 1 violation)] = \$416,780.26.

²⁰ As with the meal break calculation, an estimate of one missed rest break per pay period is reasonable in light of Plaintiffs’ allegations.

32. Hobby Lobby has determined that at least \$666,876.00²¹ in waiting time penalties are at-issue, based on 525 retail employees and 14 managerial employees²² whose employment terminated during the three-year statute of limitations and at least 30 days prior to the date of removal. This figure is based on a conservative four-hour work day²³ at an estimated average hourly wage of \$10.08 for regular employees and a minimum hourly wage of \$18.95 for managerial employees. Hobby Lobby's calculation is reasonable—and particularly Hobby Lobby's application of a 30-day period—in light of Plaintiffs' claim that Hobby Lobby "declined to pay these wages, even upon a Class Member's termination or resignation from employment." Complaint ¶ 27.

Itemized Wage Statement Claim

33. California Labor Code § 226 requires employers to provide complete and accurate wage statements to its employees. Employers are liable to employees for each pay period that they fail to provide compliant wage statements, with a penalty of \$50 for the initial violation and \$100 for each subsequent violation, not to exceed \$4,000 per employee. Cal. Lab. Code § 226. At this juncture Hobby Lobby has not yet been able to determine the precise number of paychecks issued. However, for purposes of estimating this figure very conservatively, Hobby Lobby applied an assumption of a 12-week employment tenure (i.e., six two-week pay periods) to the 2,602 California employees who received paychecks between February 18, 2013 and February 18, 2014.²⁴ Based on a \$50 penalty for the first wage statement violation and a \$100 penalty for all subsequent violations, Hobby

²¹ $(\$10.08 \times 4 \text{ hours} \times 30 \text{ days} \times 525 \text{ terminated regular employees}) + (\$18.95 \times 4 \text{ hours} \times 30 \text{ days} \times 14 \text{ terminated managerial employees}) = \$666,876.00.$

²² See Stephens Decl. ¶ 6.

²³ See *id.* (providing that retail employees work an average of four days a week, while managerial employees work an average of five days per week)

²⁴ *Id.* ¶ 7.

1 Lobby estimates this claim could total \$1,431,100.00.²⁵

2 *Attorneys' Fees*

3 34. Based on the figures above, which represent Hobby Lobby's best
4 assessment of Plaintiffs' claims based on the allegations in the Complaint, the total
5 amount of relief sought by Plaintiffs, exclusive of interest, costs, and attorneys' fees,
6 is approximately \$4,176,267.24. Because the Court is to consider attorneys' fees
7 when assessing whether a complaint meets the amount in controversy requirement
8 (*Goldberg v. C.P.C. Int'l, Inc.*, 678 F.2d 1365, 1367 (9th Cir. 1982)), and because
9 attorneys' fees in a class action case of this size may exceed a third of the class
10 recovery, Hobby Lobby estimates that an additional \$1,378,168.19 is in
11 controversy.²⁶ Thus, altogether, Plaintiffs have placed \$5,554,435.43 in controversy.

12 35. Although Hobby Lobby denies any liability to Plaintiffs or to the
13 Putative Class and denies that any such class could properly be certified under
14 Federal Rule of Civil Procedure 23, as set forth above, the alleged aggregate amount
15 in controversy in this class action exceeds \$5,000,000, exclusive of interest and
16 costs, and thereby satisfies the amount in controversy requirement of 28 U.S.C.
17 §1332(d)(2).

18 **THE OTHER PROCEDURAL REQUIREMENTS FOR REMOVAL**
19 **ARE SATISFIED**

20 36. Hobby Lobby has complied with 28 U.S.C. §§ 1446(a) and (d) and has
21 attached true and correct copies of all of the process, pleadings, or orders on file in
22 state court or served on or by Hobby Lobby in the state court as Exhibit A to the
23 Declaration of Saba S. Shatara.

24 37. Pursuant to 28 U.S.C. § 1446(d), a notice of filing of removal (with a
25

26 ²⁵ (2,602 x \$100 x 6 pay periods) – (\$50 x 2,602) = \$1,431,100.00.

27 ²⁶ (\$497,890.32 + \$746,840.40 + \$416,780.26 + \$416,780.26 + \$666,876.00 +
28 \$1,431,100.00) x 0.33 = \$1,378,168.19.

1 copy of this notice of removal) will be promptly filed with the clerk of the Superior
2 Court of California, County of Orange, Case No. 30-2014-00705589-CU-OE-CJC
3 and will promptly be served on Plaintiff's Counsel of Record.

4 38. By removing this action to this Court, Hobby Lobby does not waive
5 any defenses, objections or motions available to it under state or federal law. Hobby
6 Lobby expressly reserves the right to require that the claims of Plaintiff and all
7 members of the Putative Class be decided on an individual basis.

8 Based on the foregoing, because there is complete diversity of citizenship
9 and because the amount in controversy, exclusive of interest and costs, exceeds
10 \$5,000,000, this action may be removed to this Court pursuant to 28 U.S.C. §§ 1331,
11 1332(d), 1441 and 1453.

12
13
14 Dated: April 10, 2014

DRINKER BIDDLE & REATH LLP

15
16 By: Cheryl D. Orr /ss
Cheryl D. Orr
Philippe A. Lebel
Saba S. Shatara

17
18 Attorneys for Defendant Hobby Lobby
19 Stores, Inc.
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge James V. Selna and to
Magistrate Judge Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV14-561-JVS(ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the assigned Magistrate Judge has been designated to hear discovery-related motions. All discovery-related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

April 10, 2014

Date

By C. Sawyer
Deputy Clerk

ATTENTION

A copy of this Notice must be served on all parties served with the Summons and Complaint (or, in cases removed from state court, on all parties served with the Notice of Removal) by the party who filed the Complaint (or Notice of Removal).

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

COPY

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) JEREMY FARDIG, JEREMY WRIGHT, and CHRISTIAN BOLIN, individually, and on behalf of all others similarly situated		DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) HOBBY LOBBY STORES, INC., an Oklahoma Corporation; and DOES 1 through 100 inclusive	
(b) County of Residence of First Listed Plaintiff <u>Riverside</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>Oklahoma</u> (IN U.S. PLAINTIFF CASES ONLY)	
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Matthew R. Balner and Molly A. Desario Scott Cole & Associates, APC 1970 Broadway, Ninth Floor, Oakland CA 94612 (510) 891-9800		Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Cheryl D. Orr and Philippe A. Lebel Drinker Biddle & Reath LLP 50 Fremont Street, 20th Floor, San Francisco, CA 94105 (415) 591-7500	

II. BASIS OF JURISDICTION (Place an X in one box only.) <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant </div> <div style="width: 48%;"> <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III) </div> </div>		III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; font-size: small;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>			PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Incorporated or Principal Place of Business in this State	<input type="checkbox"/>	<input type="checkbox"/>	Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>
	PTF	DEF		PTF	DEF																						
Citizen of This State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Incorporated or Principal Place of Business in this State	<input type="checkbox"/>	<input type="checkbox"/>																						
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input checked="" type="checkbox"/>																						
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>																						

IV. ORIGIN (Place an X in one box only.) <div style="display: flex; justify-content: space-between;"> <div style="width: 33%;"> <input type="checkbox"/> 1. Original Proceeding </div> <div style="width: 33%;"> <input checked="" type="checkbox"/> 2. Removed from State Court </div> <div style="width: 33%;"> <input type="checkbox"/> 3. Remanded from Appellate Court </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 33%;"> <input type="checkbox"/> 4. Reinstated or Reopened </div> <div style="width: 33%;"> <input type="checkbox"/> 5. Transferred from Another District (Specify) </div> <div style="width: 33%;"> <input type="checkbox"/> 6. Multi-District Litigation </div> </div>					
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 28 U.S.C. Section 1332(d)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY/CONT.	IMMIGRATION	PRISONER/PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <div style="background-color: #d3d3d3; text-align: center;">REAL PROPERTY</div> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <div style="background-color: #d3d3d3; text-align: center;">TORTS</div> <div style="background-color: #d3d3d3; text-align: center;">PERSONAL INJURY</div> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <div style="background-color: #d3d3d3; text-align: center;">TORTS</div> <div style="background-color: #d3d3d3; text-align: center;">PERSONAL PROPERTY</div> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <div style="background-color: #d3d3d3; text-align: center;">BANKRUPTCY</div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="background-color: #d3d3d3; text-align: center;">CIVIL RIGHTS</div> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	<div style="background-color: #d3d3d3; text-align: center;">Habeas Corpus:</div> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <div style="background-color: #d3d3d3; text-align: center;">Other:</div> <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement <div style="background-color: #d3d3d3; text-align: center;">FORFEITURE/PENALTY</div> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <div style="background-color: #d3d3d3; text-align: center;">LABOR</div> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="background-color: #d3d3d3; text-align: center;">SOCIAL SECURITY</div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) <div style="background-color: #d3d3d3; text-align: center;">FEDERAL TAX SUITS</div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY:

Case Number:

CV-71 (11/13)

CIVIL COVER SHEET

8V14-561-1

Page 1 of 3

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input checked="" type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input checked="" type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Southern

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETIX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): Cheryl D. Orr /ss DATE: 4/10/14

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))